

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, April 19, 2018
1:30 p.m.
Commission Chambers
1915 N. Stiles Avenue, 2nd Floor
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

- CALL TO ORDERChairman Mark Liotta**
- ROLL CALL.....Chairman Mark Liotta**
- MINUTES**

The drafted minutes of April 11, 2018 and April 12, 2018 public meetings of the Commission will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION. PUBLIC COMMENTS ARE LIMITED TO THE AGENDA ITEMS LISTED.

1. Proposed Commission Approval of Group Self-Insurance Application for New Membership:

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The application includes evidence of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement and estimated standard and discounted premium the applicant will pay during the period between the application effective date and the association's renewal.

The Commission will consider approving the application of **#880 Zeck Motor Company, LLC dba Zeck Chevrolet-Buick-GMC** for new membership to the **Oklahoma Automobile Dealers Self-Insured Association (#75058)**.

The application was reviewed by the Permitting Services Division (formerly Insurance Division) and recommended for approval.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving or not approving the application for new membership.

2. Discussion and Consideration of Distribution of Surplus Monies to Members of the Metropolitan Health Care Self Insured Group Association (#75220)

Metropolitan Health Care Self Insured Group Association, a group self-insurance association, is requesting a partial distribution of surplus monies back to its members in the amount of \$1,152,139 that will be payable to all current members who participated in contract years 2012, 2013 and 2014. The distribution will be from the following contract years: \$152,139 from the 2012 contract year, \$500,000 from the 2013 contract year and \$500,000 from the 2013 contract year. There is one open claim for contract year 2012, three open claims for contract 2013 and two open claims for contract year 2013. The group has a financial surplus of \$6,239,765 for all contract years combined as indicated in the financial statement for the period ending September 30, 2017.

Commission Rule 810:25-11-10 states that any surplus monies may be declared refundable by the association's board. The date and manner of the distribution shall be declared by the association's board and shall be in accordance with the association's bylaws. The board shall submit the distribution request for to the Commission for approval, with all supporting documents. The Commission will consider approving the distribution of surplus monies to members of the Metropolitan Health Care Self Insured Group Association as described.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the distribution of the surplus monies to the current members of the Metropolitan Health Care Self Insured Group Association who participated in contract years 2012, 2013 and 2014.

3. Discussion and Consideration of Assessment and Assessment Rate for the Multiple Injury Trust Fund (MITF)

Title 85A O.S. § 31 directs the Commissioners of the Workers' Compensation Commission to establish an assessment rate applicable to each mutual or interinsurance association, stock company or other insurance carrier writing workers' compensation insurance in this state, each employer carrying its own risk, and each group self-insurance association, for purposes of computing the assessment necessary to pay the annual obligations of the MITF determined on or before December 31 of each year by the MITF Director, to be outstanding for the next calendar year. The rate shall be equal for all parties required to pay the assessment. The maximum assessment rate is six percent (6.00%). The

Commission will consider establishing the assessment rate for the MITF for the four-quarter period of July 1, 2018 through June 30, 2019.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving an assessment rate for the four-quarter period of July 1, 2018 through June 30, 2019.

4. Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers. All vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today's meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all or none of the vouchers listed in this Consent Agenda; continuing the matter.

5. Discussion and Consideration of Renewing the Contract between the Commission and Information Services Organization (ISO) for Electronic Data Interchange (EDI) Services for Fiscal Year 2019

The Commission will discuss and consider approving renewal of its contract with ISO for EDI services for FY-2019. The cost of the contract is \$60,000.00.

Possible Action

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving renewal of the contract with ISO, in the amount of \$60,000.00.

6. Discussion and Consideration of Renewal of a Contract Via Statewide Contract SW1046A Between the Commission and Westlaw for Online Legal Library Services for Fiscal Year 2019

The Commission will discuss and consider approving renewal of its subscription pursuant to a statewide contract for Westlaw Law Library Services for FY-2019. The cost of the contract is \$13,578.24.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving renewal of the contract with Westlaw via Statewide Contract SW1046A, in the amount of \$13,578.24.

7. Discussion and Consideration of Renewal of the Project Management Contract Between the Commission and the Office of Management and Enterprise Services (OMES) for Fiscal Year 2019

The Commission will discuss and consider approving renewal of its Project Management contract with OMES for FY-2019. The cost of the contract is \$43,200.00.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving the Project Management contract with OMES for FY-2019, in the amount of \$43,200.00.

8. Discussion and Consideration of Renewal of a Contract Between the Commission and Objectstream for Development of a New Case Management System (Case OK) for Fiscal Year 2019

The Commission will discuss and consider a renewing a contract between the Commission and Objectstream for development of a new case management system (Case OK) for FY-2019. The cost of the contract is \$198,744.00.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving renewal of a contract with Objectstream for development of a new case management system (Case OK) for FY-2019, in the amount of \$198,744.00.

9. Discussion and Consideration of Renewing the Memorandum of Understanding (MOU) between the Commission and Self-insurance Guaranty Fund (SIGF) Board for Fiscal Year 2019

The MOU established the services performed by the Commission's Chief Financial Officer for the SIGF Board and the Board's payment for the Commission's costs in providing such services. The Commission will discuss and consider approving a one-year renewal of the MOU with the SIGF Board for FY-2019 in the amount of \$5,000.00.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving renewal of the MOU between the

Commission and Self-insurance Guaranty Fund Board for FY-2019 in the amount of \$5,000.00.

10. Discussion and Consideration of Current Commission Policies

The Commission will discuss and consider the following current Commission policies and determine if any updates are necessary: (a) Complaint and Investigation Policy; and (b) Reasonable Accommodation Policy.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving, not approving, or approving a modified version of the one or more of the policies listed in Item 10 of this agenda.

11. Discussion and Consideration of Current Status and Advertisement for the Previously Approved Position of General Counsel

The Commission will discuss and consider the current status and advertisement for the previously approved position of General Counsel.

No action is anticipated or will be taken with regard to this agenda item.

12. Report

THE FOLLOWING REPORT IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.

Legislative Update Report

Commissioner Russell will give a report on legislative meetings and legislation affecting the Commission.

13. Announcements

The Commission's next regularly scheduled appeals meeting is on April 20, 2018. The Commission's next special business meeting is on May 3, 2018. The Commission's next regularly scheduled business meeting is on May 17, 2018.

ADJOURNMENT.....Chairman Mark Liotta